

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

May 31, 2005

No. 04-2798

HOWARD D. POPKY, et al., Appellants

v.

UNITED STATES OF AMERICA  
(E.D. of P.A. Civil No. 03-cv-01487)

**Present:** SLOVITER, FISHER, and ALDISERT, CIRCUIT JUDGES.

1. Motion by Appellee to Publish Opinion

**Opinion & Judgment entered 5/17/05**

/s/ Chanel R. Graham  
Chanel R. Graham 267-299-4955  
Case Manager

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**O R D E R**

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The foregoing motion is granted.

By the Court,

/s/ D. Michael Fisher  
Circuit Judge

Dated: August 16, 2005

CRG/cc: John R. Crayton, Esq.

Jonathan S. Cohen, Esq.

Joan I. Oppenheimer, Esq.